

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

BELLSOUTH TELECOMMUNICATIONS, INC.'S	)	
REQUEST FOR CONFIDENTIAL TREATMENT	)	CASE NO. 97-182
OF INFORMATION FILED IN SUPPORT OF ITS	)	
CONTRACT WITH IGLOU INTERNET SERVICES	)	

O R D E R

This matter arising upon petition of BellSouth Telecommunications, Inc. ("BellSouth"), filed April 11, 1997, pursuant to 807 KAR 5:001, Section 7, for confidential protection of the cost support data filed in connection with BellSouth's special service arrangement contract with Iglou Internet Services ("Iglou") for provision of Call Forwarding Variable Multipath and Call Forwarding Busy Line Multipath services on the grounds that disclosure of the information is likely to cause BellSouth competitive injury, and it appearing to this Commission as follows:

BellSouth has contracted with Iglou to provide Call Forwarding Variable Multipath and Call Forwarding Busy Line Multipath services. These services are not currently available in the tariff from analog offices. In support of the contract, BellSouth has filed cost information which it seeks to protect as confidential.

The information sought to be protected is not known outside of BellSouth and is not disseminated within BellSouth except to those employees who have a legitimate need to know and to act upon the information. BellSouth seeks to preserve and protect the confidentiality of the information through all appropriate means.

KRS 61.872(1) requires information filed with the Commission to be available for public inspection unless specifically exempted by statute. Exemptions from this requirement are provided in KRS 61.878(1). That subsection of the statute exempts several categories of information. One category exempted in paragraph (c)1 of that subsection is commercial information confidentially disclosed to the Commission which if made public would permit an unfair commercial advantage to competitors of the party from whom the information was obtained. To qualify for the exemption, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

Call Forwarding is also provided through customer premises equipment and PBX systems, and is a vertical service that can be provided by competitors for local service. BellSouth's competitors for local service include alternate access providers, resellers, and interexchange carriers. Disclosure of the cost information would enable BellSouth's competitors to determine its cost and contribution from the service which they can use in marketing their competing services to the detriment of BellSouth. Therefore, disclosure of the information is likely to cause BellSouth competitive injury, and the information should be protected as confidential.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that the cost support data developed in connection with the special service arrangement contract with Iglou for Call Forwarding Variable Multipath and Call Forwarding Busy Line Multipath, which BellSouth has petitioned to be withheld from public

disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 20th day of May, 1997.

PUBLIC SERVICE COMMISSION

Linda K. Breathitt  
Chairman

Elmer Z. Hines  
Vice Chairman

B. J. Helton  
Commissioner

ATTEST:

Don Mills  
Executive Director